



## The Governor's Office of Planning and Research

# CEQA Guidelines Update SB 226: Infill Streamlining

February 2012

# Agenda

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- ▶ Introductions
- ▶ Background on Streamlining, Infill and SB 226
- ▶ Description of the Proposal
  - ▶ Proposed Section 15183.3 of the State CEQA Guidelines
  - ▶ Proposed Appendix M: Performance Standards
  - ▶ Proposed Appendix N: Infill Checklist
- ▶ Rulemaking Process and Next Steps

# Why Focus on Infill?

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- ▶ Benefits, Among Others, Associated with Infill
  - ▶ Efficient use of infrastructure
  - ▶ Shorter commutes and increased destination access
  - ▶ Protection of open space and agricultural resources
  
- ▶ State Policy Priority
  - ▶ 1978 Urban Strategy
  - ▶ AB 857 (2002)
  - ▶ SB 375 (2008)

# Why is Streamlining Needed for Infill?

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- ▶ Current Infill Exemptions
  - ▶ Stringent statutory criteria
  - ▶ Size limitation on categorical exemption
  
- ▶ Other streamlining?
  - ▶ Tiering, Master EIRs, and Section 21083.3
  - ▶ Difficulties include:
    - ▶ Time limitation and specificity of later project description
    - ▶ No room for variances
    - ▶ Additional EIR required if significant effects cannot be mitigated
    - ▶ Reliance on development standards is limited

# Background on SB 226

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- ▶ SB 226 = CEQA Streamlining for Infill
- ▶ No repetitive analysis of effects that either:
  - ▶ Were previously analyzed in a programmatic EIR for a planning level decision; or
  - ▶ Are substantially mitigated by uniformly applied development policies
- ▶ Development Certainty and Quicker Process
  - ▶ If all effects were previously analyzed or subject to Uniformly Applicable Development Policies, no new review is required
  - ▶ New review focused on new effects
  - ▶ Limited Scope EIR where new effects are significant
    - No growth inducing analysis
    - Limited alternatives analysis

# What Projects Are Eligible?

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- ▶ Project Location
  - ▶ Project site previously developed, or surrounded on 3 sides
  - ▶ Within incorporated cities and dense “islands”
  
- ▶ Project Type
  - ▶ Residential
  - ▶ Commercial and retail (Minimum FAR 0.5)
  - ▶ Public office buildings
  - ▶ Transit stations
  - ▶ Schools
  
- ▶ Requirements
  - ▶ Consistent with Sustainable Communities Strategy
  - ▶ Implements statewide performance standards for infill

# Performance Standards for Infill

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- ▶ SB 226 Requires OPR to develop performance standards that:
  - ▶ ↓ GHG
  - ▶ ↓ VMT (SB 375)
  - ▶ ↓ Energy Use
  - ▶ ↓ Water Use
  - ▶ ↑ Transit supportive communities
  - ▶ Protect public health

# CEQA Guidelines

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- ▶ By July 1, 2012, OPR must develop:
  - ▶ Additions to the CEQA Guidelines setting forth the streamlined process
  - ▶ Performance standards determining eligibility for the streamlined process
- ▶ By January 1, 2013, the Natural Resources Agency must adopt the new Guidelines and performance standards
- ▶ CEQA Guidelines = administrative regulations



# What is in the Proposal?

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- ▶ Narrative Explanation
- ▶ Proposed Section 15183.3
- ▶ Proposed Appendix M – Performance Standards
- ▶ Proposed Appendix N – Infill Checklist

# Streamlined Process

## Proposed Section 15183.3

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- ▶ Subd (a): Purpose
- ▶ Subd (b): Eligibility
- ▶ Subd (c): Procedure
  - ▶ Use checklist (App N)
    - ▶ Determine whether effects were previously analyzed
    - ▶ Document whether development policies substantially mitigate effects
  - ▶ If all effects addressed, may file a Notice of Exemption
  - ▶ If effects remain subject to CEQA, circulate the appropriate document: ND, MND or EIR
- ▶ Subd (d): Infill EIR Content
- ▶ Subd (e): Terminology

# Performance Standards

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- ▶ Background Considerations
- ▶ Summary of Standards by Land-use Type

# Tradeoffs in Creation of Standards for Specific Land Uses

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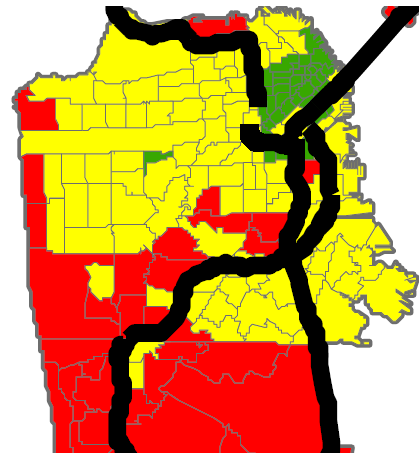
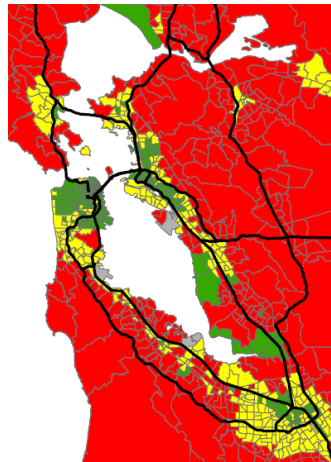
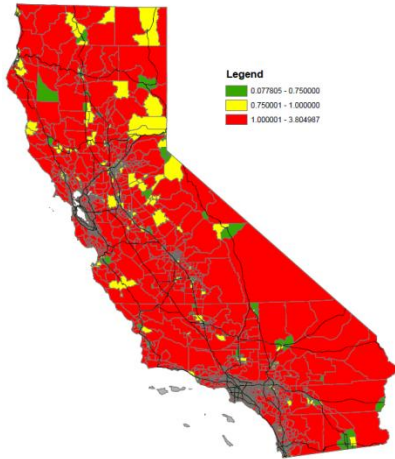
## Choice of Baseline Area

State-wide  
average

Regional average

Jurisdiction  
average

Neighborhood  
average



# Tradeoffs in Creation of Standards for Specific Land Uses

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- Simple and Easy to Use



- Comprehensive, accurate, and Sensitive to variables
- Defensible



# VMT: An Umbrella Metric

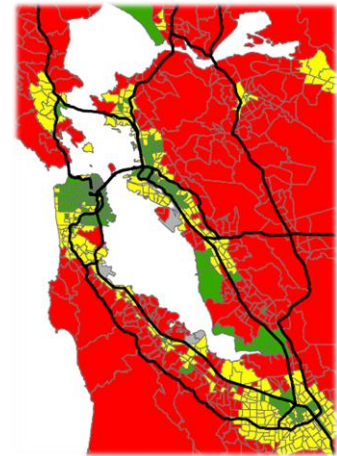
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- ▶ Factors that determine VMT
  - ▶ Regional location
  - ▶ Locale and Project Design
    - ▶ Density
    - ▶ Mixing of uses
    - ▶ Distance to Transit
    - ▶ Design
  - ▶ Transportation demand management measures

# VMT: An Umbrella Metric

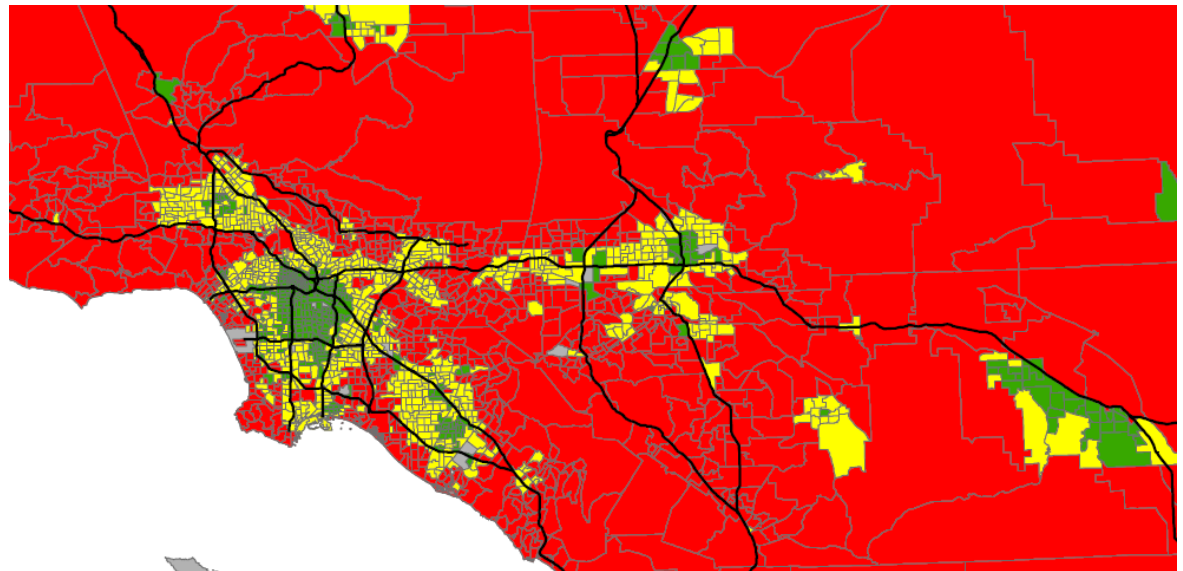
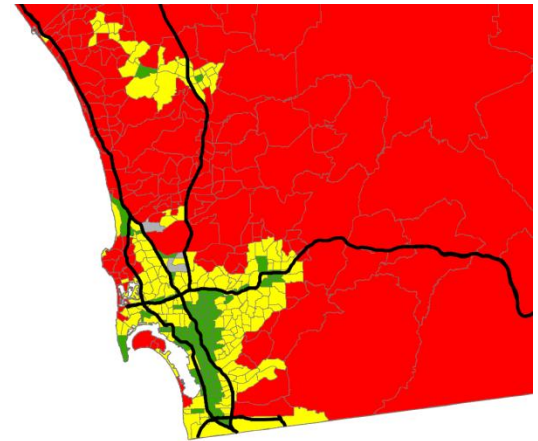
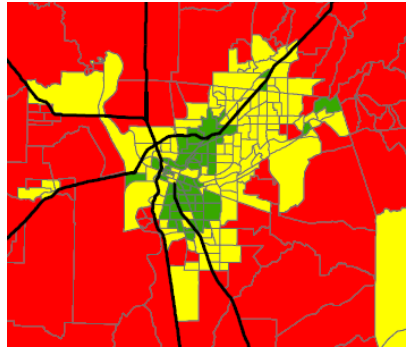
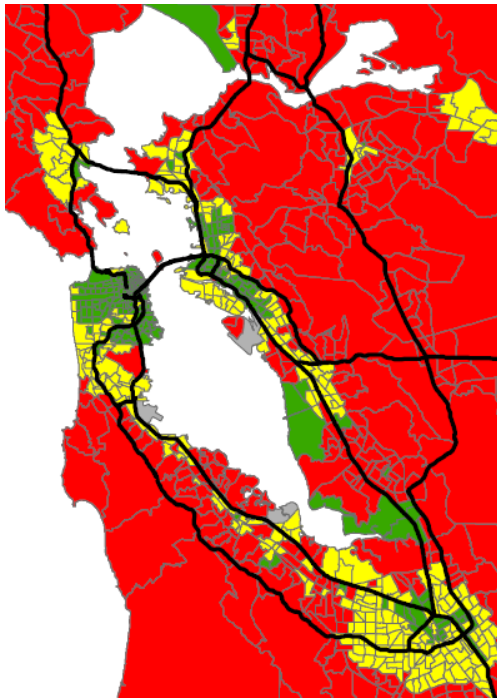
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- ▶ Choice of baseline area: The Region
  
- ▶ Balancing simplicity and accuracy:
  - ▶ Single step streamlining for projects with low VMT location in the region
  - ▶ Streamlining available to many other projects with VMT reduction measures



# Tools for Measuring VMT: Travel Demand Models

Measuring travel efficiency resulting from regional location





# Tools for Measuring VMT: Spreadsheet Models

Measuring travel efficiency resulting from project surrounds, project design, and TDM



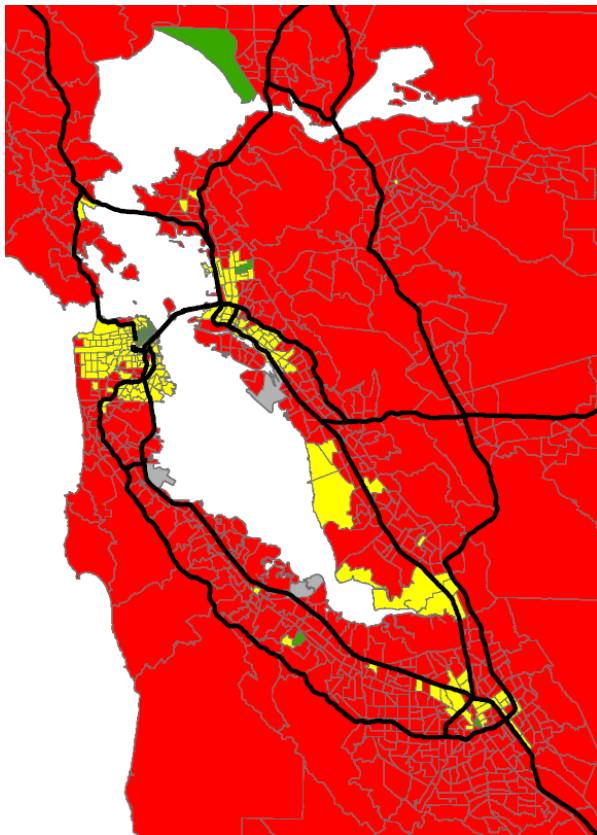
# Setting the Bar

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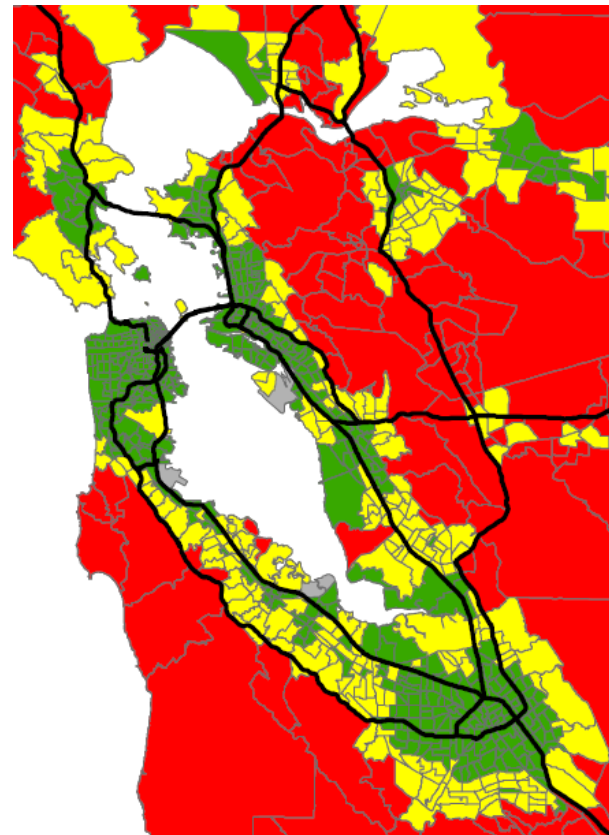
- ▶ Objective:
  - ▶ Maximize environmental benefit
  
- ▶ Approach:
  - ▶ Offer straightforward streamlining to infill that creates the greatest environmental benefit
  - ▶ Nudge other infill projects towards greater environmental benefit

# Tradeoffs in Creation of Standards for Specific Land Uses

**Selective  
Streamlining**



**Broad  
Streamlining**



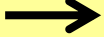
# Residential

## Green Zone



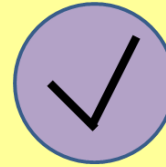
## Yellow Zone

Reduce VMT  
to Green  
Zone Level



-or-

CALGreen  
Tier 1



## Red Zone

Reduce VMT  
to Green Zone  
Level



-or-

Reduce VMT to  
Yellow Zone Level  
+  
CALGreen Tier I



-or-

CALGreen  
Tier II



# Commercial

1

Within "Green Zone"

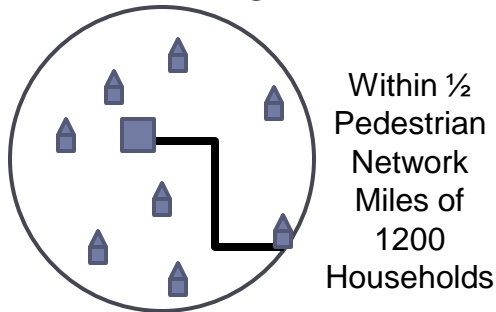
---or---

Within "Yellow Zone"  
+ CALGreen Tier 1

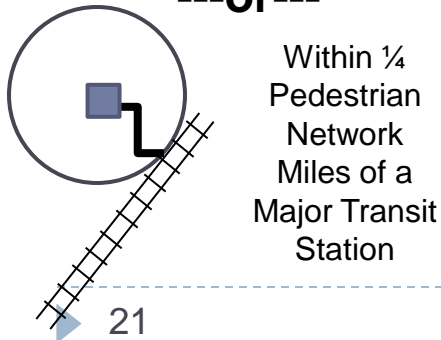
---or---

Within "Red Zone"  
+ Calgreen Tier 2

---or---



---or---

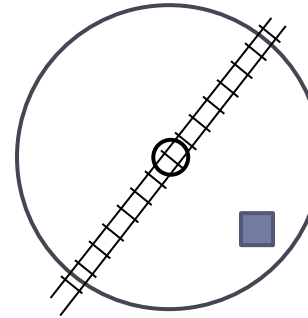


2

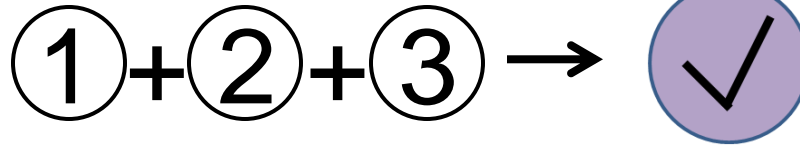
No Single  
Occupant  
Commercial  
Space  
>  
75,000 Square  
Feet

3

If within 1/2 Mile of a Major  
Transit Station:

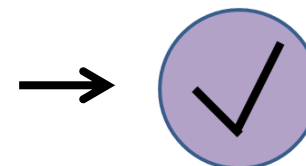


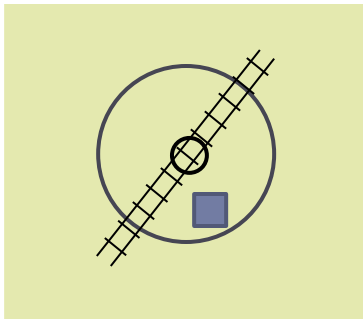
- Conform to TOD Plan
- If none, conform to General Plan TOD guidelines
- If neither exists, <15% surface area is parking



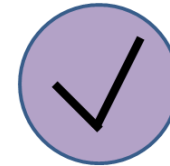
-----or-----

**VMT Study shows project  
reduces total VMT**

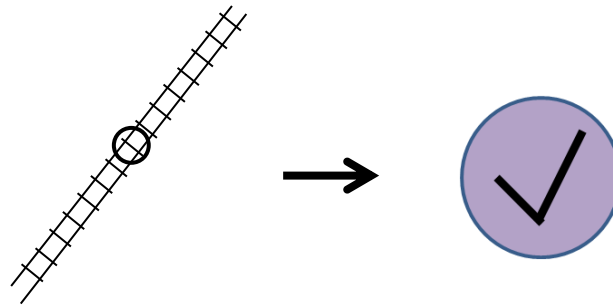




Within  $\frac{1}{4}$  Mile of a  
Major Transit  
Station and Within  
Green Zone



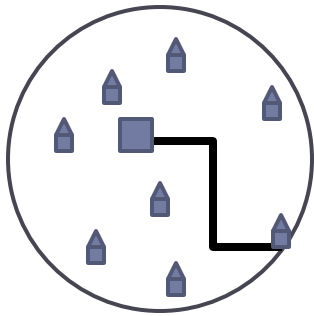
# Transit Station



Any Transit  
Station



# School



Within [one/two]  
Pedestrian Network Miles  
of 50% of students at  
[elementary/secondary]  
schools



Safe and effective parking and storage for  
bicycles, skateboards, and scooters





# Additional Standards Applicable to All Land Use Types

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Whatever the VMT, projects must also meet these requirements:

- ▶ Include project features that support active transportation
- ▶ If near a transit stop or station, be consistent with TOD plans and station area plans
- ▶ If near high-volume roadways, conform to local plan for near roadway mitigation
- ▶ If site clean-up is necessary, implement clean-up recommendations
- ▶ Incorporate renewable energy generation if feasible

# Next Steps

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- ▶ Submit Written Comments by February 24, 2012, to:
  - ▶ [CEQA.Guidelines@ceres.ca.gov](mailto:CEQA.Guidelines@ceres.ca.gov)
  - ▶ Sign up for SB 226 Listserv: [http://www.opr.ca.gov/s\\_sb226.php](http://www.opr.ca.gov/s_sb226.php)
- ▶ Evaluate written comments and workshop input
- ▶ Consult with experts
- ▶ Continue outreach
- ▶ Post any revised draft on our website

# Thank you!

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